APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
ZANELLI, MICHAEL J

ART UNIT	PAPER NUMBER
3661	

DATE MAILED: 02/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	09/749,634		WIENER, CHRISTOPHER R.	
	Examiner		Art Unit	
	Michael J. Zanelli		3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 December 2000_ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-5,7,8,10,12-14,16-18,21,24-26 and 28_ is/are rejected.

7) ☒ Claim(s) _6,9,11,15,19,20,22,23,27,29 and 30_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _29 May 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _1,4_ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1.   This application has been examined. Claims 1-30 are pending.

2.   The IDS filed 12/28/00 and 5/29/01 have been considered.

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in–
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4.   Claims 1-5, 7, 8, 12, 14, 17, 18, 25 and 26 are rejected under 35 U.S.C. 102(b) as

being anticipated by DeLorme et al. (5,948,040).

A.   As per claims 1, 16 and 24, DeLorme discloses a computer-based system and

method for generating navigation information. The disclosed system uses firmware

and/or software in various embodiments in which the user may be stationary or mobile.

In the mobile environment (see for example Figs. 9A,B), the system includes a

subscriber unit (907) configured to receive and transmit information (903,939), a GPS

receiver (908) for determining the subscriber's position, an output mechanism(s)

(927,929,931) for conveying information to the subscriber, speech processing

mechanism for inputting information into the system (see col. 76, lines 46-50), and a

service provider (904) for transmitting and receiving navigation information (939) with

the subscriber (see also col. 71, lines 61+; col. 72 to col. 78). The system allows the

subscriber to request navigation information from the service provider, such as

directions to a particular location. The request is made using input devices, such as

voice recognition, and position information provided by GPS. The service provider

processes the requests and transmits back navigation information, which may be

textual, audio and/or graphical in nature (see col. 76, lines 29+).

B.   As per claims 2-4, 17 and 25, as noted above Delorme discloses using voice

recognition technology for inputting user commands as well as using audio to output

navigation information to the user (see col. 14, lines 62-65; col. 76, lines 46-67). With

regards to the accuracy of the voice recognition, it is inherent that a trained voice

recognition system is more accurate than one that has not been trained.

C.   As per claims 5, 18 and 26, as above wherein DeLorme discloses using known

encryption technology to protect communicated information (col. 21, lines 31-37).

D.   As per claims 7 and 8, as above wherein Delorme discloses providing graphical

navigation information such as variably detailed maps for providing the user with

directions to a desired destination (see for example col. 73, lines 1-63). Moreover,

either the subscriber unit or service provider is programmed to estimate the time of

arrival at a destination based on the position information provided by GPS (see col. 75,

lines 9-12; col. 78, lines 11-17). Since the system estimates the time from the position

of the subscriber and the location of the destination, the distance therebetween is

inherently known.

      E.   As per claim 12, as above wherein DeLorme discloses obtaining information

from an Internet World Wide Web Site (col. 14, lines 43-52).

      F.   As per claim 14, as noted above Fig. 9A illustrates an embodiment in which the

subscriber unit is located in a vehicle.

5.   Claims 1-4, 7, 8, 10, 12-14, 16, 17, 21, 24, 25 and 28 are rejected under 35

U.S.C. 102(e) as being anticipated by Smith (6,314,365).

      A.   As per claims 1, 16 and 24, Smith discloses a computer-based system and

method for providing navigation information to a mobile subscriber from a remote

service provider. As shown in the embodiment of Fig. 5, the subscriber unit (310) is

configured to receive and transmit information over a cellular network (Fig. 1) to a

navigation service provider (140). As shown in Fig. 5, the subscriber unit (310) is

configured to receive GPS signals in order to determine the location of the subscriber

(col. 2, lines 47-60). The subscriber unit is embodied as a cellphone which may

include speech recognition for inputting requests to the service provider (col. 3, lines

40-48). The requests may take the form of requests for driving directions to a desired

destination in which the destination may be inputted in response to prompts from the

service provider (col. 3, lines 58-65). The navigation information may be provided in

the form of audio, text or graphics (col. 6, lines 45-52).

      B.   As per claims 2-4, 17 and 25, as noted above the subscriber unit may include

speech recognition for inputting requests to the service provider and providing

synthesized speech directions to a desired destination (col. 3, lines 40-48; col. 6, lines

45-52). With regards to the accuracy of the voice recognition, it is inherent that a trained voice recognition system is more accurate than one that has not been trained.

C.   As per claims 7, 8, 10, 21 and 28, as above wherein Smith discloses providing graphical driving directions to a desired destination wherein the extent of the graphical display would have been a function of the size of the display provided on the subscriber unit. Smith further discloses determining if the subscriber unit has deviated from the calculated route. If it has been determined that a deviation has occurred, a new route is calculated to the destination or back to the original route. The reroute may be performed automatically or in response to a prompt from the service provider (see col. 6, lines 51-52; col. 7, line 59 to col. 8, line 27). Smith also discloses providing distance or time information relative to a point on a route for which a maneuver is to be performed (col. 7, lines 22-27).

D.   As per claim 12, as above wherein Smith discloses using the Internet (col. 4, lines 23-25).

E.   As per claims 13, as above wherein Smith discloses transmitting the map information in portions based on the position of the subscriber along the calculated route (col. 6, line 52 to col. 7, line 58).

F.   As per claim 14, as above wherein Smith discloses an embodiment in which the subscriber unit is located in a vehicle (see Fig. 1; col. 3, lines 24-27).

6.   Claims 6, 9, 11, 15, 19, 20, 22, 23, 27, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

A.   As per claims 6, 19 and 27, the prior art of record does not show or reasonably

suggest, in combination with the other claimed subject matter, using voice recognition

to identify a specific user and associating the user with an encryption key.

B.   As per claims 9, 11, 22, 23, 29 and 30, the prior art of record does not show or

reasonably suggest, in combination with the other claimed subject matter, transmission

of the subscriber's position to the service provider when a measured distance between a

stored position and a current position exceeds a predetermined distance (clms 11, 23,

30) or requesting new map information from the service provider when the subscriber

unit determines the distance between a current location and the location to one or more

points along the route exceeds a predetermined distance (clms 9, 22, 29).

C.   As per claims 15 and 20, the prior art of record does not show or reasonably

suggest, in combination with the other claimed subject matter, a subscriber unit

configured to receive encrypted firmware or software upgrades.

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. The cited patents represent the general state of the art.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756.

The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-7687 for

regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

MICHAEL J. ZANELLI
PRIMARY EXAMINER

/mjz
February 20, 2002